

United States District Court
District of Massachusetts

_____)	
JOHN NEVULIS,)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	04-12361-NMG
)	
CITY OF BOSTON,)	
)	
Defendant.)	
_____)	

ORDER

GORTON, J.

On October 4, 2004, plaintiff filed a complaint in Boston Municipal Court alleging violation of M.G.L. c. 84 § 15 (claim for damages resulting from a "defective way") (Count I) and of the Americans with Disabilities Act, 42 U.S.C. § 12132 (Count II). On November 5, 2004, defendant removed to this Court.

On January 7, 2005, Nevulis requested that this Court dismiss the Count II and remand the case to state court. Defendant does not oppose that request. Accordingly, plaintiff's request, which is treated as a Motion to Dismiss and for Remand (Docket No. 7), is **ALLOWED**. Count II of the complaint is **DISMISSED** and this case is **REMANDED** to Boston Municipal Court. **So ordered.**

/s/ Nathaniel M. Gorton
Nathaniel M. Gorton
United States District Judge

Dated April 28, 2005